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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VOLKER PRETZLAFF et al.

Serial No.: 10/601,738

Filed: June 23, 2003

For: KEYLESS ACCESS AUTHORIZATION CONTROL DEVICE  
AND IDENTIFICATION TRANSMITTER THEREFOR

Group Art Unit: 2612

Examiner: Nguyen, Nam V.

Attorney Docket No.: KOA 0234 PUS (R 1381)

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

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Sir:

This Reply Brief is in response to the Examiner's Answer mailed May 3, 2006 for the above-identified patent application. The Examiner's Answer is in response to the Applicant's Appeal Brief mailed February 17, 2006.

The Examiner's Answer did not contain a new ground of rejection. The Applicant requests that the appeal be maintained and wishes to file this Reply Brief in order to address the Examiner's Answer.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (FIRST CLASS MAIL)**

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**Applicant's Reply to (10) Response to Argument of Examiner's Answer**

As set forth in the Appeal Brief, the Applicant submits that the claimed invention is not rendered obvious by Kurita in view of King because: (i) Kurita and King when considered as a whole do not suggest the desirability and thus the obviousness of modifying Kurita in the manner taught by King; and, additionally or alternatively, (ii) modifying Kurita in the manner taught by King renders Kurita unsatisfactory for its intended purpose and, consequently, there is no suggestion or motivation to make the proposed modification.

In the Examiner's Answer with respect to (i), the Examiner noted that Kurita discloses a remote control ("control") having a plurality of removable cards and controls a plurality of devices depending on the cards, the cards are selectively electrically coupled (one at a time) to the control; and King discloses a control having a plurality of removable modules and controls a plurality of devices depending on the modules, one or more of the modules are electrically coupled to the control at a time. Thus, the Examiner posited that it would have been obvious to have a plurality of electrical connectors to interface with a plurality of modules taught by King in the control of Kurita with the motivation for doing so being to provide the control with the capability of being electrically coupled to a plurality of cards at a time to control a plurality of devices at the same time in order to provide convenience to the control user.

However, Kurita discloses a problem with using a single control to control multiple devices is that an operator's control efficiency is low as a result of having to navigate the switches which are respectively associated with the devices (col. 1, line 60 through col. 2, line 16 of Kurita). In order to overcome the problem of an operator's control efficiency being low when operating a single control having switches which correspond to respective devices, Kurita discloses a single control for use with a first (second) removable card having a first (second) set of switches for controlling a first (second) device. Only one of the cards is electrically coupled to the control at a time such that the control controls only one of the

devices at a time (col. 3, line 51 to col. 4, line 48; Fig. 1 of Kurita). As a result of this arrangement in which one card is electrically coupled at a time to the control, the operator's efficiency in using the control is improved because the number of switches of the control at any one time is minimized (col. 2, lines 28-31 of Kurita).

Accordingly, Kurita teaches that it is desirable to electrically connect only one card at a time to a single control for the end goal of increasing operator control efficiency. If it is desired for a single control to control two devices at the same time, then the control can be equipped with multiple switches as disclosed in the Background section of Kurita discussed above (col. 1, line 60 through col. 2, line 16 of Kurita). In this event, there would be no need to electrically connect two cards at the same time to a single control as the control would already be configured for control of two devices. However, as indicated above, this configuration results in loss of remote operator efficiency of which Kurita is trying to solve. That is, Kurita is trying to avoid the problem of low operator remote efficiency associated with using a single control to control two devices at a time. And, as such, Kurita teaches that it is desirable to have only one card electrically connected at a time to a single control such that the control controls only one device at a time, thereby increasing the operator's control efficiency.

Thus, modifying the single control of Kurita as taught by King such that at least two cards are electrically connected at a time to the control for controlling two devices at a time would defeat the purpose of Kurita as the number of switches of the control would not be minimized and loss of operator efficiency in using the control may accrue. Accordingly, Kurita and King when considered as a whole do not suggest the desirability of modifying Kurita as taught by King such that the single control of Kurita is electrically connected with two cards at a time for the control to control two devices at a time. The suggestion of the desirability of modifying the single control of Kurita in this manner is lacking because Kurita teaches that such a modification would result in a problem which Kurita is trying to solve (namely, loss of remote operator efficiency).

In the Examiner's Answer with respect to (ii), the Examiner indicated that the main purpose of the control of Kurita is to control the operation of home devices and that the intended purpose of the control of Kurita is to provide an operating efficiency with a plurality of cards; the Examiner further indicated that King teaches a control having data modules for controlling the activation of a garage device and a home device. The Examiner indicated that clearly the intended purpose of the control of King is to control a plurality of home devices with compatible and upgradeable modules. Thus, the Examiner posited that it would have been obvious to have a plurality of electrical connectors to interface with a plurality of modules taught by King in the control of Kurita with the motivation for doing so being to provide the control with the ability to control a plurality of devices in order to provide a convenience for the user to have one control. As such, the Examiner posited that modifying the control of Kurita with a plurality of cards electrically coupled to the control at a time would not render the control unsatisfactory for its intended purpose of maximizing control operator efficiency.

Again, Kurita discloses a single universal control which controls a plurality of devices at the same time; this single universal control can learn upgrades or other information to be made compatible with the devices; however, the problem with such a single universal control is that an operator's control efficiency is low as a result of having to navigate the switches which are respectively associated with the devices (col. 1, line 60 through col. 2, line 16 of Kurita). Kurita avoids this problem by teaching that only one of many cards associated with the devices are electrically coupled at a time to a single control. Thus, although modifying Kurita as taught by King such that two or more of the cards are electrically coupled at a time to a single control would provide a convenience for the user to have one control and would maximize control operator efficiency in the sense that the operator would only operate one control as opposed to multiple controls, this modification would render the control of Kurita unsatisfactory for its intended purpose of maximizing control operator efficiency with respect to the control itself as the switches of the control would not be minimized (col. 2, lines 27-30 of Kurita). Further, Kurita teaches that if the goal is for a single control to be able to control multiple devices at the same time, then this modification is not necessary as single

universal controls exist for providing such functionality. Accordingly, modifying the single control of Kurita as taught by King would render the control unsatisfactory for its intended purpose of maximizing control operator efficiency with respect to the control itself. Therefore, the motivation for modifying the single control of Kurita as taught by King is lacking.

In view of the foregoing reasons set forth above and in the Appeal Brief, the Applicant respectfully requests that the Board holds that the claims are patentable under 35 U.S.C. § 103(a) over Kurita in view of King.

Respectfully submitted,

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